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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/31/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,960

Applicant(s)

PON, MICHAEL

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 20 are presented for consideration.

Response to Arguments

2. Applicant's arguments filed 01/23/2004 have been fully considered but they are not persuasive.

3. As per remarks, Applicants' argued that (1) there is no suggestion in Ainsbury of 1) a navigation script, 2) modifying the navigation script, 3) creating a generalized script, 4) context specific requests, 5) user navigation of a network resource, or 6) a generalized script that can except context specific request and response information when used in an actual user navigation of the network resource.

4. As to point (1), Ainsbury discloses user creation of case specific including creating, editing, adding, deleting [col 22, lines 1-28]. Furthermore, Applicants' argued that navigation script requires, as context-specific information, the user name and password of the user to "log-in". Ainsbury discloses the context-specific information as mention above [col 23, lines 17-col 24, lines 12].

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5. As per remarks, Applicants' argued that (2) there is no suggestion in Ainsbury of applying the techniques outside of market research and analysis.

6. As to point (2), Ainsbury discloses method and apparatus for performance data collection, interpretation and analysis [col 54, lines 50-col 56, lines 25].

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

8. As per remarks, Applicants' argued that (3) Ainsbury does not disclose 1) the generalized script; 2) a request template corresponding to the client request; 3) accessing the generalized script to obtain a request template corresponding to the client request; 4) information that is specific to the client request; 5) a context-specific request; 6) merging contemporaneous information that is specific to the client request into the request template to result in creating a context-specific request; or 7) communicating the context-specific request to the network resource.

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9. As to point (3), Ainsbury discloses return the specific piece of information to the user when requested [col 12, lines 8-11], template to guide user through data collection [col 3, lines 3-21], and combining or parsing information [Abstract; and col 51, lines 46-col 52, lines 24].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstein et al. [US Patent No 5,793,966], in view of Ainsbury et al. [US Patent No 6,078,924].

12. As per claim 1, Amstein discloses the invention substantially as claimed including a method of controlling use of a network resource, comprising the steps of:

accessing and navigating the network resource [col 1, lines 14-19 and lines 61-67];

detecting request and response message that are generated during the navigating [86, Figure 3; col 12, lines 21-31];

creating and storing an access and navigating script based on the request and response message [col 11, lines 65-col 12, lines 9].

Amstein does not specifically disclose

modifying the access and navigating script to result in creating and storing a generalized script that can accept context specific request and response information when used in an actual user navigation of the network resource.

Ainsbury discloses

modifying the access and navigating script to result in creating and storing a generalized script that can accept context specific request and response information when used in an actual user navigation of the network resource [Abstract; col 3, lines 27-38; and col 22, lines 1-28].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Amstein and Ainsbury because Ainsbury's teaching would provide an application that automated the collection of data, provided a method for organizing the library of information and provided analysis using multiple content-types [Ainsbury, col 2, lines 33-38].

13. As per claim 2, Amstein discloses the steps of creating and storing meta-information representing the request and response messages; creating and storing the access and navigating script based on the meta-information [col 10, lines 62-col 11, lines 12; and col 18, lines 5-16].

14. As per claim 3, Amstein discloses the steps of retrieving and analyzing the stored meta-information, and creating and storing the access and navigating script based on the meta-information [col 18, lines 30-47].

15. As per claim 4, Amstein discloses the steps of creating one or more application programs that are associated with the generalized script; delivering services or information from the

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network resource through a user view server that is configured to execute the application programs under control of the generalized script and as a proxy for the network resource [88, Figure 3; and col 4, lines 24-35].

16. As per claim 5, Amstein discloses the steps of:

receiving a request from the client for use of a function or resource of the network resource [108, Figure 3].

Amstein does not specifically disclose

accessing the generalized script to obtain a request template corresponding to the client request;

merging contemporaneous information that is specific to the client request into the request template to result in creating a context-specific request;

communicating the context-specific request to the network resource.

Ainsbury discloses

accessing the generalized script to obtain a request template corresponding to the client request [col 3, lines 15-21];

merging contemporaneous information that is specific to the client request into the request template to result in creating a context-specific request [col 15, lines 47-55; and col 46, lines 16-24];

communicating the context-specific request to the network resource [col 15, lines 61-64].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Amstein and Ainsbury because Ainsbury's teaching would provide a customized method to supply information to each specific end user to fit their needs and requirements.

17. As per claim 6, Amstein does not specifically disclose the steps of:

receiving a context-specific response from the network resource;

accessing the generalized script to obtain a response template corresponding to the context-specific response;

modifying the context-specific response according to the generalized script;

communicate the modified response to the client.

Ainsbury discloses the steps of:

receiving a context-specific response from the network resource [col 5, lines 3-7];

accessing the generalized script to obtain a response template corresponding to the context-specific response [col 5, lines 30-38];

modifying the context-specific response according to the generalized script [col 3, lines 35-38];

communicate the modified response to the client [col 5, lines 45-55].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Amstein and Ainsbury because Ainsbury's teaching would allow information to be delivered to specific user whose authorizes to view that information.

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18. As per claim 7, it is rejected for similar reasons as stated above in claim 6. Furthermore, Ainsbury discloses the client receives a view of the network resource that is controlled according to the generalized script [Figures 3-8].

19. As per claim 8, it is rejected for similar reasons as stated above in claims 1 and 5.

20. As per claim 9, it is rejected for similar reasons as stated above in claim 6.

21. As per claim 10, it is rejected for similar reasons as stated above in claim 7.

22. As per claim 11, it is rejected for similar reasons as stated above in claim 1. Furthermore, Amstein discloses accessing and navigating the Web site using a browser associated with a network administrator or other authorized party [col 5, lines 1-10; and col 8, lines 32-44]

23. As per claim 12, it is apparatus claimed of claim 1, it is rejected for similar reasons as stated above in claim 1. Furthermore, Amstein discloses a navigation capture server and a user view server [86, 88, Figure 3].

24. As per claims 13-18, they are apparatus claimed of claims 2-7, they are rejected for similar reasons as stated above in claims 2-7.

25. As per claim 19, it is rejected for similar reasons as stated above in claims 8 and 12.

26. As per claim 20, it is program product claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

27. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100